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**REMARKS**

**Drawings.** In the Non-Final Office Action, Examiner Choi objected to the drawings under 37 CFR § 1.83(a) for failing to show the features of pending claims 14, 20 and 21. The Applicant has cancelled claim 14 herein and removed the recitation of directed to a first portion of a curtain and a second portion of the curtain from claims 20 and 21. Withdrawal of the objection to the drawings is therefore respectfully requested.

**Pending Claims.** Also in the Final Office Action, Examiner Choi objected to and rejected pending claims 13, 14, 17-21, and 23-31 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein:

- A. Examiner Choi objected to claims 13 for reciting "wherein at least a portion of any light passing into said second chamber" and claims 20, 30 and 31 for reciting "wherein at least a portion of any light passing into said second homogenous light distribution chamber"

The Applicant amended claims 13 to "wherein at least a portion of the at least a portion of any light emitted by the at least one tubular lamp passing into said second homogenous light distribution chamber" and amended claims 20, 30 and 31 to recite "wherein at least a portion of the at least a portion of any light emitted by the at least one tubular lamp passing into said second homogenous light distribution chamber". Withdrawal of the objection of claims 13, 20, 30 and 31 is therefore respectfully requested.

- B. Examiner Choi rejected claim 20 under 35 U.S.C. § 112, ¶2

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The Applicant has amended claim 20 herein to reflect "a curtain disposed within said second chamber". Withdrawal of the rejection of claim 20 under 35 U.S.C. §112, ¶2 is therefore respectfully requested.

- C. Examiner Choi rejected claims 13, 14, 17-21 and 23-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. 6,655,815 to *Sools* et al.

The Applicant has thoroughly considered Examiner Choi's remarks concerning the patentability of claims 13, 14, 17-21 and 23-31 over *Sools*. The Applicant has also thoroughly reread *Sools*. The Applicant respectfully traverses the double patenting rejection of claims 13, 14, 17-21 and 23-31 in view of over *Sools*, because *Sools* neither teaches nor suggests the following limitations of independent claims 13, 20 and 27:

1. "a second chamber defined by a light emission window, a curtain, and a light transmitting side wall", and "wherein, when that at least one tubular lamp is located within said first chamber, at least a portion of any light emitted by the at least one tubular lamp passes through said curtain into said second chamber with a first homogenous light distribution" as recited in independent claim 13;

2. "a curtain disposed within said second chamber and affixed to the carrier wall", and "wherein, when the at least one tubular lamp is located within said first chamber, at least a portion of any light emitted by the at least one tubular lamp passes through said carrier wall into said second chamber with a first homogenous light distribution" as recited in independent claim 20; and

3. "a first luminaire including a first homogenous light distribution chamber and a second homogenous light distribution

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chamber both defined by a first side wall, said second homogenous light distribution chamber further defined by a first light emission window”, and “a second luminaire including a third homogenous light distribution chamber and a fourth homogenous light distribution chamber both defined by a second side wall, said fourth homogenous light distribution chamber further defined by a second light emission window” as recited in independent claim 27.

Withdrawal of the rejection of independent claims 13, 20 and 27 under the judicially created doctrine of obvious-type double patenting as being unpatentable over *Sools* is therefore respectfully requested.

Claim 14 has been cancelled herein. Withdrawal of the rejection of dependent claim 14 under the judicially created doctrine of obvious-type double patenting as being unpatentable over *Sools* is therefore respectfully requested.

Claims 17-19 depend from amended independent claim 13. Therefore, dependent claims 17-19 include all of the elements and limitations of amended independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 17-19 are allowable over *Sools* for at least the same reason as set forth herein with respect to amended independent claim 13 being allowable over *Sools*. Withdrawal of the rejection of dependent claims 17-19 under the judicially created doctrine of obvious-type double patenting as being unpatentable over *Sools* is therefore respectfully requested.

Claims 21 and 23-26 depend from amended independent claim 20. Therefore, dependent claims 21 and 23-26 include all of the elements and limitations of amended independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claims 21 and 23-26 are allowable over *Sools* for at least the same reason as set forth herein with respect to amended independent claim 20 being allowable over *Sools*. Withdrawal of the rejection of dependent claims 21 and 23-26 under the judicially created doctrine of obvious-type double patenting as being unpatentable over *Sools* is therefore respectfully requested.

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Claims 28-31 depend from independent claim 27. Therefore, dependent claims 28-31 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28-31 are allowable over *Sools* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Sools*. Withdrawal of the rejection of dependent claims 28-31 under the judicially created doctrine of obvious-type double patenting as being unpatentable over *Sools* is therefore respectfully requested.

- D. Examiner Choi rejected claims 13, 20, 23 and 27-31 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,042,243 to *Grill*

The Applicant has thoroughly considered Examiner Choi's remarks concerning the patentability of claims 13, 20, 23 and 27-31 over *Grill*. The Applicant has also thoroughly reread *Grill*. The Applicant respectfully traverses the §103(a) rejection of pending claims 16, 21, and 27, because *Grill* neither teaches nor suggests the following limitations of independent claims 13, 20 and 27:

1. "a second chamber defined by a light emission window, a curtain, and a light transmitting side wall", and "wherein, when that at least one tubular lamp is located within said first chamber, at least a portion of any light emitted by the at least one tubular lamp passes through said curtain into said second chamber with a first homogenous light distribution" as recited in independent claim 13;
2. "a curtain disposed within said second chamber and affixed to the carrier wall", and "wherein, when the at least one tubular lamp is located within said first chamber, at least a portion of any light emitted by the at least one tubular lamp passes through said carrier wall into said second chamber with a first homogenous light distribution" as recited in independent claim 20; and

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3. "a first luminaire including a first homogenous light distribution chamber and a second homogenous light distribution chamber both defined by a first side wall, said second homogenous light distribution chamber further defined by a first light emission window", and "a second luminaire including a third homogenous light distribution chamber and a fourth homogenous light distribution chamber both defined by a second side wall, said fourth homogenous light distribution chamber further defined by a second light emission window" as recited in independent claim 27.

Withdrawal of the rejection of independent claims 13, 20 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Grill* is therefore respectfully requested.

Claim 23 depends from amended independent claim 20. Therefore, dependent claim 23 includes all of the elements and limitations of amended independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claim 23 is allowable over *Grill* for at least the same reason as set forth herein with respect to amended independent claim 20 being allowable over *Grill*. Withdrawal of the rejection of dependent claim 23 under 35 U.S.C. §103(a) as being unpatentable over *Grill* is therefore respectfully requested.

Claims 28-31 depend from independent claim 27. Therefore, dependent claims 28-31 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28-31 are allowable over *Grill* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Grill*. Withdrawal of the rejection of dependent claims 28-31 under 35 U.S.C. §103(a) as being unpatentable over *Grill* is therefore respectfully requested.

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**New Claim 32.** Claim 32 depends from amended independent claim 13.

Therefore, dependent claim 23 includes all of the elements and limitations of amended independent claim 32. It is therefore respectfully submitted by the Applicant that dependent claim 32 is allowable over the art of record, particularly *Sools* and *Grill*, for at least the same reason as set forth herein with respect to amended independent claim 13 being allowable over *Sools* and *Grill*. An allowance of new claim 32 is therefore respectfully requested.

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**SUMMARY**

Examiner Choi's objection and rejections of the pending claims have been obviated by the amendment herein of claims 13, 20, 27, 30 and 31, and cancellation herein of claim 14. An allowance of new claim 32 has been supported herein. The Applicant respectfully submits that claims 13, 17-21, and 23-32 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Choi is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: August 2, 2005

Respectfully submitted,  
Norbert Dicken *et al.*

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